

COUNCIL COMING ATTRACTIONS



Week of October 29, 2018

Zoning for Cell Towers, Early Childcare & Education, Funding for Park & Planning Projects & Outdoor Smoking



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting will begin at 9 a.m. on Tuesday, October 30 with a discussion of the State Legislative Program. Proclamation presentations begin at 10 a.m.

-  Councilmember Sidney Katz will recognize Domestic Violence Prevention Awareness Month.
-  Councilmember Craig Rice will recognize Hughes Network Systems, LLC's Top Ten Ranking in Fortune Magazine's 2018 "Change the World" list.
-  Councilmember Floreen will recognize National Women's Small Business Month.

COUNCIL

-  **Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes**

The Council is scheduled to vote on water and sewer category changes. The Transportation, Infrastructure, Energy and Environment (T&E) Committee recommendations can be found on page one of the Council staff report, which can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_3-1-red.pdf .

The County Executive proposed six amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. All six amendments are requests for individual water/sewer service area category changes. Of these six requests, the Council previously tabled a discussion on one request pending the anticipated action on the Water and Sewer Plan comprehensive update.

 **Resolution to approve Declaration of No Further Need: Disposition of land adjacent to 5920 Massachusetts Ave. in Bethesda.**

The Council is scheduled to vote on a resolution that would allow the Conduit Road Fire Board, Inc. to secure a 0.261-acre parcel of County-owned land adjacent to 5920 Massachusetts Ave. in Bethesda in conjunction with the renovation of Glen Echo Fire Station. The Public Safety (PS) and Government Operations and Fiscal Policy (GO) Committees are tentatively scheduled to present their recommendations on Oct. 30. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_4.pdf .

 **Special appropriation to the County Government's FY19 Operating Budget - \$225,000 for the Economic Development Fund**

The Council is scheduled to review and vote on a \$225,000 special appropriation for the Small Business Innovation Research and Small Business Technology Transfer Matching Grant (SBIR/STTR) Program, which supports early-stage biotechnology businesses. Councilmember Leventhal is the lead sponsor and is requesting this special appropriation because the original fiscal year 2019 appropriation of \$425,000 was exhausted before all eligible recipients received assistance. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_5.pdf .

 **Special appropriation to the County Government's FY19 Operating Budget - \$200,000 for the Economic Development Fund, Small Business Assistance Program**

The Council is scheduled to review and vote on a \$200,000 special appropriation for the Economic Development Fund, Small Business Assistance Program. Council Vice President Nancy Navarro is the lead sponsor. The Small Business Assistance Program supports small businesses adversely impacted by County redevelopment projects. These funds are needed to support small businesses located in Wheaton that demonstrate an adverse financial impact from the Wheaton Redevelopment Project. The original appropriation is insufficient to support all small businesses for the remainder of fiscal year 2019. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_6.pdf .

 **Resolution to approve Rules of Procedure for Agency Referral and Accessory Apartment cases heard by the Office of Zoning and Administrative Hearings**

The Council is scheduled to review and vote on a resolution to approve amendments to the Office of Zoning and Administrative Hearings (OZAH) Rules of Procedure. OZAH does not have rules of procedure for agency referral and accessory apartment cases. In Oct. the Council approved Zoning Text Amendment (ZTA) 18-07 concerning accessory apartments. That action created a waiver process for parking and the allowed distance between accessory apartments that will be administered by OZAH. The proposed rules cover that procedure. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_7.pdf .

 **Early childcare and education**

The Council will receive an update on the state of early childcare and education in the County. Those scheduled to attend include the following: Uma Ahluwalia, Director, Department of Health and Human Services; JoAnn Barnes, Chief, Children, Youth, and Families, DHHS; Angela Cabellon, Deputy Chief; Maria Navarro, Chief Academic Officer, Montgomery County Public

Schools (MCPS); Deann Collins, Director, Division of Title I and Early Childhood Programs and Services, MCPS. DHHS and MCPS representatives will update the Council on the following early care and education topics:

- The status of publicly-funded prekindergarten programming currently being implemented in the County, including new programming and services in FY19.
- The Kirwan Commission's work on prekindergarten.
- Changes to the State Child Care Subsidy and County Working Parents Assistance Programs.
- The findings of the Cost of Quality Child Care Report.

The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_8.pdf .

Zoning Text Amendment 18-11, Telecommunications Towers - Approval Standards

The Council is scheduled to vote on Zoning Text Amendment 18-11, Telecommunications Towers - Approval Standards. As introduced, ZTA 18-11 would, in part, allow the replacement of poles taller than 22 feet to be approved as a limited use and poles up to 22 feet to be approved as a conditional use. A conditional use is one that requires a subjective finding of compatibility after a public hearing. It is decided by a County hearing examiner and can be appealed to the Board of Appeals. A limited use allows the Council to detail standards under which a use is acceptable. The goal of ZTA 18-11 is to ensure access to robust wireless broadband services by streamlining access to taller poles, while retaining a process to allow greater input for pole placement and visual appearance in residential areas. The Planning, Housing and Economic Development (PHED) Committee recommended enactment with the following amendments:

- For facilities that require a conditional use (where existing poles are less than 22 feet tall), require a 60-foot setback subject to the hearing examiner's determination that 30 feet is acceptable.
- Require more assurance that Department of Permitting Services (DPS) permitting limits are followed.
- Require that DPS has all the information in the application submitted to the Transmission Facility Coordinating Group (TFCG).
- Correct the name of the TFCG.
- Clarify the provision under which the hearing examiner is examining a new facility.

At the Oct. 23 Council meeting, Councilmember Tom Hucker proposed an amendment, which passed by a vote of 6-3, that provided that all small cell towers applications in residential areas, regardless of height, must be approved by the hearing examiner after a hearing for the applicant, neighbors and civic associations. Additional amendments are included in the Council staff report that can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_16A.pdf .

Resolution to approve amendments to the Office of Zoning and Administrative Hearings Rules of Procedure governing zoning, conditional uses and Board of Appeals referral cases

OZAH's Rules of Procedure for Zoning, Conditional Use and Board of Appeals Referral Cases were last modified by the Council in 2017. The Council is currently considering Zoning Text Amendment 18-11 on small cell towers (see above). If this zoning measure is passed by the Council, amendments will be needed for certain provisions of the zoning code that affect the number of telecommunications tower conditional use applications. Modifications to the zoning rules of procedure are requested by the hearing examiner to better assure an orderly and time-efficient process for the volume of expected conditional use approvals. Under the proposed amended rules, the hearing examiner may limit the amount of time given to each party's case in chief and require the designation of persons to conduct cross-examinations on behalf of other

individuals. The hearing examiner would have the ability to consolidate hearings that have common issues of facts or law. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_16B.pdf .

PUBLIC HEARINGS

All public hearings will be held on Oct. 30 at 1:30 p.m.

-  **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission, Department of Parks - \$1,000,000 for Small Grant/Donor-Assisted Capital Improvements**
The Council will hold a public hearing on a \$1 million special appropriation and a CIP amendment for the Department of Parks for Small Grant/Donor-Assisted Capital Improvements. The Council is tentatively scheduled to review and vote on this amendment on Nov. 13. The Maryland-National Capital Park and Planning Commission (M-NCPPC) has requested this supplemental appropriation and CIP amendment so staff can spend the funds raised by the Montgomery Parks Foundation and through other non-County sources. The Council staff report can be viewed at:
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_9.pdf .
-  **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission, Department of Parks - \$116,562 for Acquisition: Local Parks**
The Council will hold a public hearing on a \$116,562 special appropriation and a CIP amendment for the Department of Parks - Acquisition: Local Parks. The Council is tentatively scheduled to review and vote on this amendment on Nov. 13. This action is needed to allow M-NCPPC to use State Program Open Space (POS) funds. The Council staff report can be viewed at:
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_10.pdf .
-  **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission, Department of Parks - \$99,500 for ADA Compliance: Non-Local Parks**
The Council will hold a public hearing on a \$99,500 special appropriation to the CIP for ADA Compliance: Non-Local Parks. The Council is tentatively scheduled to review and vote on this amendment on Nov. 13. The ADA Compliance: Non-Local Parks project gives the Parks Department the means to ensure that all park facilities meet the requirements of Title II of the American with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. This action is needed to allow M-NCPPC to spend funds from a State of Maryland grant.
The Council staff report can be viewed at:
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_11.pdf .
-  **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission, Department of Parks - \$180,000 for Minor New Construction – Non-Local Parks**
The Council will hold a public hearing on a \$180,000 special appropriation and CIP amendment for Minor New Construction – Non-Local Parks to make renovations and other improvements to the Maydale Nature Center. The Council is tentatively scheduled to review and vote on this amendment on Nov. 13. The Council staff report can be viewed at:
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_12.pdf .

 **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission, Parks Department, \$680,000 for Josiah Henson Historic Park**

The Council will hold a public hearing on a \$680,000 special appropriation and a CIP amendment for Josiah Henson Historic Park. The Council is tentatively scheduled to review and vote on this amendment on Nov. 13. This special appropriation is necessary to allow the Parks Department to use \$500,000 from State Program Open Space funds; switch \$200,000 from Contributions to State Aid; and allocate \$630,000 to G.O. Bonds. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_13.pdf .

 **Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the County Government - \$700,000 for Manna Food Center, Inc. and Sunflower Bakery, Inc. (Source: Current Revenue: General); and Resolution to amend Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Manna Food Center, Inc. and Sunflower Bakery, Inc.**

The Council will hold a public hearing on a \$700,000 special appropriation and a CIP amendment for Manna Food Center, Inc. and Sunflower Bakery, Inc. The County Executive is recommending a special appropriation of \$700,000 to the FY19 Capital Budget. Of this amount, \$400,000 will be used to assist Manna with its East County facility and \$300,000 will provide additional funding to Sunflower Bakery to build-out its new, larger production kitchen for its employment training program for people with developmental disabilities. A Health and Human Services (HHS) Committee meeting on this amendment is tentatively scheduled for Nov. 1. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_14.pdf .

 **Amendment to the County Government's FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget, Department of Environmental Protection - \$59,135 for Stormwater Management Retrofit: Countywide bridge replacement**

The Council will hold a public hearing on a \$59,135 special appropriation and CIP amendment for Stormwater Management Retrofit: Countywide bridge replacement. This action is needed to fund the replacement of a bridge on Fallsreach Homeowners Association (HOA) property. The cost will be covered by a contribution from the HOA. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181030/20181030_15.pdf .

COMMITTEE

 **Declaration of No Further Need: Disposition of land adjacent to 5920 Massachusetts Ave. in Bethesda**

On Oct. 29 at 11 a.m. the PS and GO Committees will meet jointly to review a Declaration of No Further Need: Disposition of land adjacent to 5920 Massachusetts Ave. in Bethesda (see page one). The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181029/20181029_PSGO1.pdf .

 **OLO Report 2018-4, Reverse Auction Purchasing**

On Oct. 29 at 11:15 a.m. the GO Committee also will review OLO Report 2018-4, Reverse Auction Purchasing. The Council asked the Office of Legislative Oversight (OLO) to prepare a report that describes the use of reverse auctions in public sector purchasing, identifies the benefits and drawbacks and discusses potential future use by the County Government. The term “reverse auction” refers to a purchasing method in which vendors compete to sell goods or services to a buyer. The report offers the following findings:

- State and local government procurement officers who have managed reverse auctions believe that reverse auctions can produce significant cost savings.
- It is difficult to precisely calculate the direct effect of reverse auctions on contract price.

- Only certain types of goods and services are well suited for purchase via reverse auction.
- Reverse auctions are not appropriate for small dollar value purchases in which the cost savings do not offset additional costs.
- Pre-qualification of vendors is essential when using price as the final determinant for contract award.
- Government procurement officials interviewed by OLO do not believe that use of reverse auctions deters vendors from responding to solicitations.

The full report can be viewed at:

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/ReverseAuctionPurchasing2018-4.pdf>

The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181029/20181029_GO2.pdf .

Special appropriation to the FY19 Operating Budget - \$95,600 for Legislative Branch Communications Outreach

The GO Committee will review a \$95,600 special appropriation for communications outreach and information technology support. Council staff's communications outreach efforts are divided into three main categories: improving access to information, publicizing the ways in which residents can express their views, and providing data access and reports. This funding would provide resources for the following: a social media/visual information specialist; a paid internship program in partnership with Montgomery College for help desk support; and contractual assistance for community outreach. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181029/20181029_GO3.pdf .

Bill 30-18, Finance - Accessibility Features Supplement - Established

The GO Committee will close out its meeting by reviewing Bill 30-18, Finance - Accessibility Features Supplement – Established. Councilmember George Leventhal is the lead sponsor. The goal of this bill is to make home improvements that provide accessibility more affordable and available to seniors and those who have differing abilities. Bill 30-18 would provide a supplement to a non-profit organization for meeting a Level I (visit-ability) or Level II (livability) accessibility standard on a single-family residence. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181029/20181029_GO1.pdf .

Bill 34-18, Human Rights and Civil Liberties - County Minimum Wage - Definitions - Employer

On Thursday, Nov. 1 at 9:30 a.m. the HHS Committee will review Bill 34-18, Human Rights and Civil Liberties - County Minimum Wage - Definitions – Employer. Council President Hans Riemer is the lead sponsor. Councilmember Tom Hucker is a cosponsor. Bill 34-18 would modify the definition of “employer” in the County’s minimum wage law, so that employers of one or more persons in the County would be required to pay the County minimum wage. The bill does not change the rate of the minimum wage, nor does it change any of the scheduled increases under the existing law. The goal of the bill is to require payment of the County minimum wage to workers who are the sole employee of their employers and make the applicability of the County minimum wage consistent with the County Sick and Safe Leave law. The Council staff report will be available on Oct. 30.

Bill 35-18, Health and Sanitation - Smoking- Outdoor Serving Areas and Resolution to Adopt Bill 35-18, as a Board of Health Regulation

The HHS Committee also will review Bill 35-18, Health and Sanitation - Smoking- Outdoor Serving Areas, and a resolution to adopt the bill as a Board of Health Regulation. Councilmember Sidney Katz is the lead sponsor. Council President Hans Riemer and Councilmembers Marc Elrich and Craig Rice are cosponsors. Bill 35-18 and the Board of Health regulation would prohibit

smoking in certain outdoor serving areas, such as patios, decks and porches, which are under the control of eating or drinking establishments. The goal of this bill is to protect the health of residents. The Council staff report will be available on Oct. 30.



Special appropriation and CIP amendment - \$700,000 for Manna Food Center and Sunflower Bakery

The HHS Committee will close out its meeting with a review of a \$700,000 special appropriation and CIP amendment for Manna Food Center and Sunflower Bakery (see page four). The Council staff report will be available on Oct. 30.